

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X	
JHISAIAH MYERS, on behalf of himself and all others	:
similarly situated,	:
	:
Plaintiff,	:
	:
v.	:
	:
COUNTY OF NASSAU, NASSAU COUNTY CIVIL	:
SERVICE COMMISSION, and NASSAU COUNTY	:
POLICE DEPARTMENT	:
	:
Defendants.	:
-----X	

Civil Action No.: 22-cv-
7023(OEM) (LGD)

**DECLARATION OF MARK
J. LESKO IN SUPPORT OF
DEFENDANTS' MOTION
TO DISMISS**

MARK J. LESKO, an attorney duly admitted to practice in the courts of the State of New York, declares the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am a shareholder with the law firm of Greenberg Traurig, LLP, attorneys for defendants County of Nassau ("County"), Nassau County Civil Service Commission ("CSC"), and Nassau County Police Department ("NCPD") (collectively, "Defendants"), in the above-captioned action. As such, I am fully familiar with the facts of this case and the documents referenced in the accompanying Memorandum of Law.

2. I respectfully submit this Declaration in support of Defendants' motion ("Motion") for an Order: (i) pursuant to Federal Rules of Civil Procedure ("Rules") 12(b)(1) and (b)(6), dismissing the putative Class Action Complaint ("Complaint") filed by plaintiff Jhisaiah Myers, individually and on behalf of all others similarly situated ("Plaintiff"); or, alternatively (ii) striking the class action allegations and denying class certification pursuant to Rule 23(c)(1)(A).

3. Attached as **Exhibit A** is a true and correct copy of Plaintiff's application file to become an NCPD officer.

4. Attached as **Exhibit B** is a true and correct copy of the *Newsday* article by Jim Baumbach, “6,359 Black People Tried to Become Police Officers on LI. Only 67 Were Hired,” dated May 27, 2021, referenced throughout, and relied upon in the Complaint.

5. Attached as **Exhibit C** is a true and correct copy of the Decision and Order dated July 6, 2021, in *In re Amato v. County of Nassau, et al.*, Index No. 604214/2021, New York State Supreme Court, Nassau County (NYSCEF Doc. No. 23).

6. Attached as **Exhibit D** is a true and correct copy of the Decision and Order dated December 4, 2018, in *In re Dais v. County of Nassau, et al.*, Index No. 609760/2018, New York State Supreme Court, Nassau County (NYSCEF Doc. No. 20).

7. Attached as **Exhibit E** is a true and correct copy of the Consent Decree, dated April 21, 1982.

8. We are providing to Plaintiff’s counsel an unredacted copy of Exhibit A. However, we will confer in good faith with Plaintiff’s counsel to assess whether, and to what extent it will be necessary to seek leave of Court to file Exhibit A under seal.

9. For the reasons set forth in the accompanying Memorandum of Law, Defendants respectfully request that the Court grant the Motion and award such other and further relief as the Court deems just and proper.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 12, 2023 in Garden City, New York.


Mark J. Lesko